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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

YAGOUBZADEH LAW FIRM
LLP, a California Limited Liability
Partnership;

Plaintiff,

v.

ULISES PIZANO-DIAZ,

Defendant.

Case No.: 2:23-cv-08299-GW-MAR

**STATEMENT OF
UNCONTROVERTED FACTS IN
SUPPORT OF DEFENDANT'S
REPLY TO PLAINTIFF'S RESPONSE
IN OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT**


Hearing Date: **December 12, 2024**
Time: **8:30 a.m.**
Judge: **9D**


Hon. George H. Wu

Defendant Ulises Pizano-Diaz ("Diaz" or "Defendant") hereby submits the following Statement of Uncontroverted Facts in support of Defendant's Reply to Plaintiff Response in Opposition to Defendant's Motion for Summary Judgment.

	Uncontroverted	Evidence in Support
1	Plaintiff is a purveyor of legal services.	The Parties are in Agreement
2	On December 20, 2019, Plaintiff filed a federal trademark application for the trademark: “1-800-LUCHADOR for <i>legal services</i> in international class 045, application serial no. 88736099.	The Parties are in Agreement
3	On December 13, 2022, Plaintiff’s federal trademark application for the trademark “1-800-LUCHADOR” for <i>legal services</i> in international class 045 is granted and assigned registration no. 6920485.	The Parties are in Agreement
4	Plaintiff was did not file a §2(f) affidavit of acquired distinctiveness as part of application serial no. 88736099.	The Parties are in Agreement
5	The word “LUCHADOR” is a Spanish word that translates to the English word “FIGHTER.”	Plaintiff lists this item as “Undisputed” but Plaintiff’s Response in Opposition seems to dispute this item. Defendant provides a copy of Plaintiff’s the Registration Certificate for Plaintiff’s mark which states “ <i>The English translation of “luchador” in the mark is “fighter.”</i> ” (See 2nd Decl. of Welch, Exhibit A), and a copy of Plaintiff’s trademark

		application which shows that Plaintiff provided that translation to the USPTO. (See 2nd Decl. of Welch, Exhibit B)
6	The word “FIGHTER” is highly descriptive of “ <i>legal services</i> .”	<p>Plaintiff marked this item as “Disputed” but provided no evidence relevant to this issue.</p> <p>Plaintiff provided the Declaration of Omid E. Khalifeh, Exh. A-D; however, this declaration and the attached exhibits seem to address the issue the translation of “luchador” (item #5), not the issue of whether or not the word “fighter” is descriptive of legal services.</p> <p>Defendant provides the Second Declaration of Welch, Exhibits C through P.</p>
7	There are over 50 federal registrations for “ <i>legal services</i> .” that include the word “FIGHTER” or its base word “FIGHT.”	The Parties are in Agreement
8	There are multiple purveyors of “ <i>legal services</i> ” that that use common law trademarks that include the word “FIGHTER” or its base word “FIGHT.”	The Parties are in Agreement
9	Defendant is a purveyor of legal services.	The Parties are in Agreement
10	Defendant is currently using the trademark LUCHADOR LAWYER in conjunction with <i>legal services</i> .	The Parties are in Agreement

11	Defendant currently owns a pending federal trademark application for the trademark LUCHADOR LAWYER for <i>legal services</i> in international class 045, application serial no. 98527115.	The Parties are in Agreement
12	Defendant is currently using the trademark ABOGADO LUCHADOR in conjunction with <i>legal services</i> .	The Parties are in Agreement
13	Defendant currently owns a pending federal trademark application for the trademark ABOGADO LUCHADOR in conjunction with <i>legal services</i> in international class 045, application serial no. 98527093.	The Parties are in Agreement
14	<p>Defendant is using the trademark:</p>  <p>in conjunction with <i>legal services</i>.</p>	The Parties are in Agreement

15	Defendant currently owns a pending federal trademark application for the trademark:  in conjunction with <i>legal services</i> in international class 045, application serial no. 98527171.	The Parties are in Agreement
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Dated this 2nd day of December 2024

By: /s/Kevin M Welch/

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